

**CONTENTS****CHAPTER 301. EMPLOYMENT OUTSIDE THE CONTINENTAL UNITED STATES  
(To Be Used With 5 CFR 301)**

<b>PARAGRAPH</b>	<b>PAGE</b>
1. Scope .....	1
2. Policy .....	1
3. Responsibilities .....	2
4. Tours of Duty .....	3
5. Home Leave .....	4
6. Travel and Transportation Expenses for Purpose of Taking Home Leave and Vacation (Annual) Leave.....	4
7. Requirements and Selection Factors .....	5
8. Orientation .....	6
9. U.S. Citizens Recruited in Manila.....	6
10. Administrative Reassignment Rights .....	6
11. Application for Return to the Continental United States.....	8

**APPENDIX**

A. Employment Procedures for Positions in Manila.....	App. A-1
---	----------



**CHAPTER 301. EMPLOYMENT OUTSIDE THE CONTINENTAL UNITED STATES  
(To Be Used With 5 CFR 301)**

**1. SCOPE**

a. This chapter contains the policies and procedures governing the employment of U.S. citizens at VA stations in Manila, Republic of the Philippines; the States of Alaska and Hawaii; and the Commonwealth of Puerto Rico. It applies to all employees in the competitive and excepted civil service, including employees in the Veterans Health Administration employed under 38 U.S.C. Ch. 73 and 74 and also to employees in the Senior Executive Service. It does not apply to Veterans Canteen Service employees whose employment is authorized by 38 U.S.C. Ch. 78.

b. For the purpose of this chapter, "continental United States" means the several States and the District of Columbia, but does not include Alaska or Hawaii. The term "tours of duty" as used in this chapter encompasses and is synonymous with the term "period of service" as used in VA Manual MP-1, part II, chapter 2, and as used interchangeably in 5 U.S.C. 5728(a) and in FPMR 101-7. The term "vacation leave" as used in this chapter refers to annual leave granted to eligible employees in Alaska and Honolulu, between tours of duty, in connection with a Government authorized round trip back to their actual place of residence and return to Alaska or Honolulu. To be approved for an additional tour of duty and home leave or vacation leave, an employee must sign a transportation agreement (MP-1, pt. II, ch. 2) to remain in the service of the VA at the present station for the required additional tour. The term "home leave" has the meaning given in 5 U.S.C. 6305(a) and 5 CFR 630, Subpart F. The place of "actual residence" as used in the chapter means the employee's actual residence at the time of appointment or transfer to the post of duty outside the continental United States (Unpublished Comp. Gen. B136029, June 24, 1958; 5 U.S.C. 5728(a) and FPMR 101-7, par. 2-1.5g(3)). In connection with the same appointment, FPMR 101-7, paragraph 2-1.5g(3) (c) (iii) states "After an employee has been transferred or appointed to a post of duty outside the conterminous United States, the location of the place of actual residence incorporated in the official records of such employment shall be changed only to correct an error in the designation of residence."

c. This chapter also applies to any VA stations that may be established in the future in foreign countries or in areas controlled by the United States that are outside the continental United States.

**2. POLICY**

a. All positions at Manila which are filled by U.S. citizens are centralized to the Administrator or department head, as appropriate.

b. The selection of employees for positions centralized to the Administrator or to a department or staff office head will be approved in accordance with the agency delegations of authority described in chapter 250, this part.

c. Whenever possible, highly qualified VA employees will be selected for key positions outside the continental United States to be filled by U.S. citizens. Consideration of candidates may be limited, however, to those who apply when vacancies are announced or whose management personnel inventory records or other appropriate personnel records show they are willing to accept these assignments.

d. Key positions at VA stations outside the continental United States may be filled by appointment, or by the promotion, reassignment, or demotion of highly qualified VA employees. Appointments to these key positions from outside the agency, however, will be rare.

e. Merit principles will be followed in filling positions in the competitive service and the excepted service. Promotion actions in the competitive service will be taken under appropriate promotion plans, i.e., promotion plans for positions centralized to the Secretary or the department head, or station promotion plans.

### **3. RESPONSIBILITIES**

a. Appointments and other employment actions involving positions centralized to the Administrator will be approved by the Secretary. Exceptions to established policies determined to be in the best interests of the service will also be approved by the Secretary or an appropriate designee.

b. Department or staff office heads approve appointments and other employment actions for positions centralized to them; make recommendations on actions requiring the Secretary's approval; and, as appropriate, authorize additional tours of duty and extensions of tours of duty which are determined to be in the best interest of the VA (see par. 4 below.)

c. Station Directors recommend second tours of duty or extensions thereof at Manila (see par. 4 a and d); approve additional tours of duty in Alaska, Honolulu, and San Juan (see par. 4 b below); grant home leave or vacation leave (see par. 5 and 6 below); and separate employees who do not exercise their administrative reassignment rights, in accordance with the provisions of chapter 752, this part, except that separations of title 38 employees will be under the provisions of MP-5, part II, chapter 8, section A, or chapter 4, as appropriate.

d. For personnel actions involving centralized positions, the Deputy Assistant Secretary for Human Resources Management advises on and assists with the recruitment of personnel for assignment to such positions; coordinates movements between releasing and receiving stations; initiates requests for security clearance, when applicable; and takes other actions necessary for assignment to, or return of the employee from, stations outside the continental United States.

e. The Director, Veterans Assistance Service, or designee, and appropriate Central Office program officials are responsible for providing necessary orientation to employees selected for assignment outside the continental United States.

#### 4. TOURS OF DUTY

a. Assignment of VA employees recruited from the continental United States to Manila will be for a minimum of one initial 2- or 3-year tour of duty, as determined in advance by the department head, and for a second tour of duty of an additional 2 or 3 years, when recommended by the station Director and approved by the department head, not to exceed two consecutive tours of duty and a maximum of 5 years. Department heads are delegated authority to make exceptions to this policy concerning tours of duty except for positions centralized to the Secretary. Exceptions, however, will be approved only when clearly justified as being in the best interests of the VA.

(1) Approximately 5 to 6 months prior to completion of the first tour of duty at Manila and subject to satisfactory completion of a physical examination of the employee and family members residing with the employee, a request for an additional tour of duty may be initiated by the employee in accordance with the provisions of paragraph 4a above. If the station Director concurs, the recommendation will be forwarded to the appropriate department head for approval.

(2) Employees at Manila will not be permitted to remain beyond two consecutive tours of duty unless an exception is granted in accordance with paragraph 4a above. Employees at Manila who elect not to exercise their administrative reassignment rights will be separated in accordance with the provisions of chapter 752, this part, or MP-5, part II, chapter 8, section A, or chapter 4, as appropriate.

b. Assignment of VA employees recruited from the continental United States to Alaska, Honolulu, or San Juan will be for an initial tour of 3 years with subsequent tours of 2 years duration when approved by the station Director for noncentralized positions or by the department head staff office head, or Secretary, as appropriate, for centralized positions. Department or staff office heads are delegated authority to make exceptions to this policy concerning tours of duty except for positions centralized to the Administrator. Exceptions, however, will be approved only when clearly justified as being in the best interests of the VA.

c. Employees eligible for reassignment rights (see par. 10) assigned to a VA facility outside the continental United States are required to complete VA Form 5-8207, Agreement for Assignment After Tour(s) of Duty Outside the Continental United States, prior to departure from the continental United States for their post of duty.

d. Time spent in the continental United States on leave and time spent in travel to and from the United States are excluded in computing the maximum period of service outside the continental United States. Any extension after completion of the first tour or duty and the beginning of travel for home leave, vacation leave, or for reassignment, which is administratively determined to be necessary, is also excluded. Such extensions will not exceed 6 months and must be approved by the department head for Manila and by the station Director for Alaska, Honolulu, or San Juan.

## **5. HOME LEAVE**

a. Employees assigned outside the continental United States who meet the criteria of Office of Personnel Management regulations issued pursuant to 5 U.S.C. 6305 earn home leave as a matter of law. This right to earn home leave vests even in employees transferred to Puerto Rico from the continental United States for their own convenience and at their own expense.

b. In accordance with the provisions of MP-5, part I, chapter 630, home leave is granted under the circumstances cited in 5 CFR 630, Subpart F.

c. The right to earn home leave under 5 U.S.C. 6305 is separate and distinct from the right to Government paid round trip travel for the purpose of taking home leave under the provisions of 5 U.S.C. 5728(a) (see par. 6 below).

d. Employees transferred to Alaska or Hawaii from the continental United States are not entitled to earn home leave (MP-5, Part I, Chapter 630).

e. Employees who are residents of Puerto Rico who transfer to VA facilities in the continental United States do not earn home leave.

f. Employees serving under overseas limited appointments are not eligible for home leave or vacation leave. They are, however, eligible for regular annual leave.

g. Provisions for leave for certain employees appointed under 38 U.S.C. ch. 73 and 74 are contained in MP-5, part II, chapter 7.

## **6. TRAVEL AND TRANSPORTATION EXPENSES FOR PURPOSE OF TAKING HOME LEAVE AND VACATION (ANNUAL) LEAVE**

a. Under the authority of 5 U.S.C. 5728(a), round trip travel and transportation expenses from the post of duty outside the continental United States to the place of actual residence and return, for the purpose of taking home leave or vacation leave, are payable only in those cases where transfer outside the continental United States was for the convenience of the government, moving expenses were paid by the government under 5 U.S.C. 5724(a), there has been an actual completion of the initial or any subsequent agreed period of service and the employee agrees to serve an additional tour of duty at the same or another post of duty outside the continental United States under a new written agreement completed before departing from the post of duty to take leave.

b. Round trip travel and transportation expenses for eligible employees covered by 5 U.S.C. ch. 63, in connection with the granting of home leave or vacation leave for the purpose of returning to their place of actual residence in the continental United States, will be approved by authorizing officials, subject to the determination that the employee's services are to be continued for an additional tour of duty in accordance with the provisions of paragraph 4 a or b, as appropriate. Prior to departure for home leave or vacation leave, employees must complete a new written agreement to remain in the service of the VA at the assigned station for an additional tour of duty as prescribed in paragraph 6a above. Employees and their dependents at Manila

must satisfactorily complete the required medical examination (see par. 4a (1)) prior to departure for home leave purpose. (See 5 U.S.C. 6305; 5 CFR 630 Subpart F, for regulations pertaining to home leave; also see 5 U.S.C. 5728(a) and MP-1, pt. II, ch. 2, for regulations governing round trip travel for home leave or vacation leave purposes.

c. Employees who are residents of Alaska, Hawaii, or Puerto Rico who transfer to VA facilities in the continental United States are not entitled to Government paid travel expenses for the purpose of returning to their place of residence on leave.

## **7. REQUIREMENTS AND SELECTION FACTORS**

a. Qualification Standards. The same qualification standards used for assignment to positions in the United States will be used to determine basic eligibility for employment at stations outside the continental United States.

b. Personal Characteristics. U.S. citizens assigned to Manila are considered to be representatives of the United States Government. Employees who are well regarded for competence, stability, and decorum should be encouraged to apply when vacancies are announced.

c. Medical Requirements. U.S. citizen employees and their dependents who will accompany them to Manila must undergo an appropriate medical examination as specified below:

(1) Dependents, for this purpose, are the employee's spouse and children, including stepchildren and adopted children who are unmarried and under 21 years of age, or regardless of age if incapable of self-support and such incapacity existed on the 21st birthday of the child.

(2) Medical examinations are mandatory upon initial assignment to Manila. Such examinations will normally be conducted by medical facilities of the VA for the employee and dependents age 12 and over. Children under 12 will normally be examined by the family's physician. In accordance with Department of State regulations (DOS Foreign Affairs Manual, Volume 3) for each eligible person examined by a private physician the employee is entitled to be reimbursed a reasonable cost (currently up to \$60) for the examination based upon presentation of the receipted bill from the examining physician.

(3) Employees and their dependents may be required to undergo medical examinations and tests as ordered by appropriate officials at the Manila regional office when such examinations are considered pertinent to questions concerning the employee's retention in a position, eligibility for retirement, or return to duty after absence due to illness or injury. Dependents may, based on religious convictions, refuse to take medical examinations at these times, but if they do not take them they will not be eligible for the medical care provided at Government expense under the medical and health program administered by the Department of State.

d. Security Clearance. Certain positions at Manila filled by U.S. citizens are designed "critical-sensitive" and thus require full security clearance; the remaining positions are deemed to be "noncritical-sensitive."

NOTE: See appendix A for additional instructions related to employment procedures for positions in Manila.

## **8. ORIENTATION**

a. Before departing from the United States for assignment to Manila, an employee will be given orientation at VA Central Office concerning employment and living conditions in that area. Further orientation may be given by the Department of State. Additional orientation will be provided for each employee upon arrival at Manila.

b. As deemed necessary, employees selected for assignment to other VA stations outside the continental United States may be given orientation by the appropriate department head and program officials.

## **9. U.S. CITIZENS RECRUITED IN MANILA**

### **a. Positions in the Competitive Service**

(1) Authority To Appoint. U.S. citizens recruited in Manila will be given overseas limited term appointments. The station Director will appoint the employee after the department head has approved the selection. The initial overseas limited term appointment will be for a period not to exceed 3 years and may be extended, upon approval of the department head, for an additional 2 years, for a maximum period of 5 years.

(2) Qualifications. Each applicant must meet the qualification requirements for the position to which appointed.

(3) Medical Requirements. Medical requirements for those employees and their dependents are the same as those required for employees recruited in the United States (see par. 7 above).

(4) Security Clearance. These employees are subject to the same security requirements as employees recruited in the continental United States, except appointment may be authorized on the basis of an interim security clearance subject to completion of satisfactory field investigation.

b. Positions Excepted Under 38 U.S.C. Ch. 73. The requirements and procedures of VA Manual MP-5, part II, chapter 2 and 12, apply when filling these positions.

## **10. ADMINISTRATIVE REASSIGNMENT RIGHTS**

a. General. The term "administrative reassignment rights," as used in this chapter, means an employee's entitlement to another continuing assignment in the VA following a period of employment outside the continental United States. This right differs from statutory reemployment rights in that it is granted administratively by the VA. The placement of the employee may involve promotion or demotion, as well as reassignment.

b. Eligibility Requirements. Administrative reassignment rights are applicable to VA employees recruited in the continental United States for employment outside the continental



United States and who were transferred outside the continental United States under the conditions stated in paragraph 6a above. The employee must have completed at least one tour of duty unless ill health of the employee or a family member makes it necessary for the employee to return to the United States, or unless it is determined by the VA that the employee's return would be in the best interest of the VA.

c. Competitive Service Employees. An employee eligible for administrative reassignment will be given placement consideration as indicated in subparagraphs (1) through (3) or (4) below, as appropriate. Placement consideration will be accorded on a step-by-step priority sequence as set forth in these subparagraphs (e.g., all efforts for placement under subpar. (1) must be exhausted before initiating procedures under subpar. (2); subpar. (2) procedures completed before initiating procedures under subpar. (3)).

(1) If the returning employee's former position is vacant, the employee will be placed in it, unless another available assignment is requested and the VA approves such alternate assignment. (Every effort, however, will be made to place the employee in a vacant position, if one exists at any VA station at the grade presently held, or with a minimum grade reduction, if the employee's present grade is higher than the one relinquished when the employee accepted employment outside the continental United States.)

(2) If the returning employee's former position is not vacant or no longer exists, the employee will be assigned to a position (existing or otherwise available) at any VA station where there is an appropriate assignment available, at a grade not lower than the one relinquished when the employee accepted employment outside the continental United States.

(3) When management determines that there is no position available in which the returning employee can be placed, then as a last resort, if the employee is at the same or a higher grade than that held at the time of assignment outside the continental United States, the employee will be returned to the station and position formerly held, provided the position is occupied by an employee who can be displaced under reduction-in-force regulations by the returning employee. If the incumbent of such a position formerly held by the returning employee cannot be displaced in this manner, the returning employee will be considered to be assigned to this former position for the purpose of making the "best offer" possible under reduction-in-force regulations.

(4) If the employee presently occupies a position at a lower grade than that relinquished at the time of assignment outside the continental United States, efforts consistent with appropriate merit promotion requirements will be made to place the employee in a vacant position at any VA station at the grade level formerly held. If this is not possible, efforts will be made to place the employee in a vacant position at any VA station at the grade level currently held. When management determines that there are no appropriate positions available, then, as a last resort, the employee will be considered to be returned to the station to which formerly assigned in the continental United States at the grade currently held for the purpose of making the "best offer" possible under reduction-in-force regulations.

d. Excepted Service Employees (Other Than Title 38). Excepted service employees (other than those employed under 38 U.S.C. ch. 73) will have the same administrative reassignment rights given to competitive service employees as explained above except for assignment through

reduction in force. When reduction in force is necessary, the assignment rights for the excepted service employee will be those described in chapter 351, this part.

e. Title 38, United States Code, Chapter 73 Employees. U.S. citizen employees recruited in the United States and serving under 38 U.S.C. ch. 73 authority are entitled to return to an assignment at the same grade level currently held. The position may be at the station from which recruited or at another VA station.

f. SES (Senior Executive Service) Employees: After satisfactorily completing their agreed tour(s) of duty outside the continental United States, employees in the Senior Executive Service will be reassigned to another Senior Executive Service position in the VA.

g. Employees Recruited in Manila. Employees recruited in Manila do not have administrative reassignment rights to positions in the United States. U.S. citizen employees serving under overseas limited term appointments may, however, be considered for such assignments. To be considered, they must be eligible for competitive appointment and the station Director must certify that their work and conduct have been satisfactory. These employees will be considered only for vacant positions, and, where possible, should be considered for positions equivalent in grade to that held under the overseas limited term appointment.

h. Employees Recruited in Alaska, Honolulu, and San Juan. Local residents hired by these stations do not have administrative reassignment rights to positions in the continental United States. They may, however, apply for employment consideration to other VA stations under the same procedures that apply to employees within the continental United States (MP-5, pt. I ch. 335, or MP-5, pt. II, ch. 11, as appropriate).

i. Limitation on Reassignment Rights. An employee who has exercised administrative assignment rights is not eligible for another assignment outside the continental United States with such rights for a period of 2 years after such rights were last exercised. Exceptions to this policy may be approved by the appropriate department or staff office head, except for positions centralized to the Administrator. Such exceptions must be clearly justified as being in the best interest of the VA.

## **11. APPLICATION FOR RETURN TO THE CONTINENTAL UNITED STATES**

a. At the request of an employee who is eligible for administrative reassignment, the station Director will forward the employee's completed application (SF 171, Personal Qualifications Statement, or authorized equivalent form) in duplicate, reduction-in-force data (except for title 38 employees), supervisory evaluations, and information needed to prepare VA Form 5-4650, Notification of Personnel Action. This information will be forwarded to the appropriate department or staff office head at least 120 days before the employee's intended departure. The department or staff office head, with the advice and assistance of the Deputy Assistant Secretary for Human Resources Management, is responsible for making the necessary administrative arrangements with the releasing and receiving stations for the employee's return. Employees and their dependents at Manila must also take the prescribed medical examination prior to returning to the United States for assignment or separation.

b. Similar action will be taken for employees serving under overseas limited term appointments who desire a VA position in the United States, except that reduction-in-force data are not required.

c. If an employee eligible for administrative reassignment rights elects not to exercise those rights and resigns or retires, the resignation or retirement is processed by the Personnel Officer at the employee's current duty station. In establishing the effective date, travel time (actual or constructive) will be allowed to the employee's place of residence in the United States without charge to leave. If the employee remains in the station area, travel time is not considered in establishing the effective date.



**APPENDIX A. EMPLOYMENT PROCEDURES FOR POSITIONS IN MANILA**

**1. ANNOUNCEMENT OF VACANCIES**

Vacancies for which applicants are desired will usually be announced to all field stations, or field stations of the department concerned, depending on whether such positions are usually filled through agency-wide consideration of candidates or limited to applicants within a single department. Vacancy announcements should be called to the attention of all qualified employees.

**2. SUBMITTING AND PROCESSING APPLICATIONS**

a. The names of employees who apply and meet qualification standards and legal requirements will be sent to the appropriate department by teletype.

b. Employees who are within 3 months of meeting experience or time-in-grade requirements may be considered qualified.

c. The following data will be forwarded to the appropriate department by the date specified in the vacancy announcement:

(1) Official personnel folder;

(2) Current Federal employment application, in duplicate;

(3) Appropriate supervisory appraisal forms (currently VA Form 5-4667, Appraisal of Employee for Promotion to Non-supervisory or First Level Supervisory Position, or VA Form 5-4668, Appraisal of Employee for Promotion to Supervisory Position Above First Level, and, when necessary, VA Form 5-4669, Qualifications Analysis and Assessment of Potential for Supervisory Positions). These appraisal forms are not to be used for title 38 employees;

(4) Full name, date and place of birth, and relationship of dependents who would accompany employee; and

(5) Recommendation by station Director as to suitability of the employee for the assignment.

d. When an employee is tentatively selected for assignment, the station will be notified and requested to forward the following:

(1) SF 86, Security Investigation Data for Sensitive Position, when required, in triplicate;

(2) SF 87, Office of Personnel Management (OPM) Fingerprint Chart;

(3) Reports of medical examination for employee and members of the family who will accompany the employee;

(4) VA Form 5-8207, Agreement for Assignment After Tour(s) of Duty Outside the Continental United States, in triplicate;

(5) Transportation Agreement, in triplicate. (See MP-1, pt. II, ch. 2, app. I.)

(6) JF-20, Residence and Dependency Report, in triplicate.

### **3. TRAVEL ARRANGEMENTS**

a. An employee should not make arrangements for departure until notified that the selection is approved.

b. Upon approval of the employee's selection, the appropriate department will notify the employee's current duty station and the Manila regional office. Officials at the employee's current station will ascertain from the employee the anticipated date of departure from the current duty station, the mode of stateside travel, the expected date of departure from the port of embarkation, estimated weight of household goods and personal effects and whether an automobile will be included in the shipment. This information will be sent by the employee's current duty station to the Manila regional office for preparation of travel orders.

c. The employee's current station will initiate the requests for passports for the employee and appropriate family members. Requests will be forwarded through channels to the Director, Veterans Assistant Service in VA Central Office, at least 30 days prior to scheduled departure.

d. Arrangements for packing and shipping of household goods will be made by the transferee's current duty station. The supply officer at the transferee's current station will counsel the transferee and request routing instructions in accordance with the provisions of VA Manual MP-2, sub-chapter G.